



BUILDINGS 2026-018 BULLETIN ZONING

ISSUANCE DATE
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Code and Zoning Interpretation

PURPOSE: This Bulletin describes how to apply the regulations of ZR 54-50, which limits aggregation of bulk allowances pursuant to ZR 54-52 and 54-53.

SUBJECT(S): Accessibility or Safety Retrofits which Increase or Create New Non-compliance

RELATED ZONING SECTIONS & RESOURCES: ZR 54-50, Inclusive

I. BACKGROUND

As part of the City of Yes zoning amendments, Article V, Chapter 4, Section 54-50 was added, first with Section 54-51 Energy Infrastructure or Retrofits, effective December 6, 2023, and one year later with Sections 54-52 Accessibility of Safety Retrofits and 54-53 Residential Retrofits effective on December 5, 2024. These provisions permit certain enlargements and other alterations to create new non-compliances or increase the degree of existing non-compliance, representing a departure from how non-compliances have been treated historically under zoning since 1961.

This Bulletin will clarify ZR 54-50, on how these retrofit provisions (ZR 54-51, ZR 54-52, ZR 54-53) may be combined and clarifies limitations on the aggregation of bulk allowances. This bulletin is effective immediately.

Separate Buildings Bulletins provide detailed guidance on the application of ZR 54-52 Accessibility or Safety Retrofits ([BB 2026-016](#)) and ZR 54-53 Residential Retrofits ([BB 2026-017](#)). Refer to those bulletins for additional details regarding the eligibility and application of those provisions.

II. APPLICABILITY

This Bulletin applies to:

- Buildings with and without existing non-compliances
- Applications utilizing ZR 54-51, 54-52 or 54-53
- Subsequent enlargements to buildings that have previously utilized ZR 54-52 or 54-53
- Applications to legalize existing unlawful construction, including enlargements and extension of use

III. DEFINITIONS AND TERMS FOR THE PURPOSES OF THIS BULLETIN

Terms for the purposes of this Bulletin only:

Bulk

See Zoning Resolution definition in ZR 12-10.

Enlargement

See Zoning Resolution definition in ZR 12-10.

Aggregated, Aggregation

The cumulative maximum total of all individual bulk allowances that increased the height of a building, or the cumulative maximum total of enlargements that diminished the amount of an open area.

Baseline Building Condition

The existing condition of the specific location: an open area or portion of the building roof at the time of the first utilization of a bulk allowance under parts (b) or (c) of ZR 54-52 and 54-53.

Utilization

A lawful enlargement resulting in non-complying bulk pursuant to ZR 54-52 and ZR 54-53.

First Utilization

The first DOB approved and constructed use of a part (b) or (c) ZR 54-52 or 54-53 bulk allowance.

Lifetime limit

Once a bulk allowance is used at a specific location, the maximum allowable increase or reduction for that location is fixed based on the baseline building condition and may not be exceeded in future enlargements at that location

IV. INTERPRETATION

ZR 54-50 states:

The provisions of this Section may be combined, except that individual bulk allowances to increase the height of a building or diminish the amount of an open area through an enlargement shall not be aggregated

A. Use of ZR 54-51 Energy Infrastructure or Retrofits in combination with ZR 54-52 and ZR 54-53 without limitation

ZR 54-51 is not subject to the aggregation limitations of ZR 54-50, provided the proposed work satisfies all conditions of ZR 54-51.

Where a development, enlargement or alteration is comprised exclusively of the addition of energy infrastructure equipment (EIE), accessory mechanical equipment, or qualifying exterior wall thickness (QEW), the work permitted pursuant to ZR 54-51 may be utilized together with ZR 54-52 or ZR 54-53 without limitation under ZR 54-50.

Where EIE or accessory mechanical equipment is located within a rooftop structure¹ that qualifies as a permitted obstruction under the applicable underlying district regulations, such rooftop structure shall comply with the applicable permitted obstruction regulations pursuant to ZR 54-51.

Where the scope of work includes the construction or enlargement of enclosed building area that does not qualify as a permitted obstruction under the applicable underlying district regulations, that enclosed portion of the work is not governed solely by ZR 54-51. Such work remains subject to aggregation limitations of ZR 54-50, as well as applicable bulk and height limitations of ZR 54-52 or ZR 54-53.

QEW permitted pursuant to ZR 54-51 is regulated by the permitted obstruction depth allowed under the applicable underlying district regulations. Because QEW does not provide additional bulk or building height beyond that expressly permitted by ZR 54-51, it is not subject to the aggregation limitations of ZR 54-50.

B. ZR 54-52(a) & ZR 54-53(a) floor area allowances not subject to aggregation limitations

The floor area allowances in ZR 54-52(a) and ZR 54-53(a) may be combined, subject to their respective limits. ZR 54-50 limits aggregation only with respect to individual bulk allowances that increase building height or diminish open area through an enlargement. By contrast, ZR 54-52(a) and ZR 54-53(a) establish independent floor area allowances tied to distinct retrofit objectives and constraints. Because these provisions do not increase building height or diminish open area through enlargement, they are not subject to the aggregation limitations of ZR 54-50.

¹ Rooftop structures is defined in Chapter 2 of the NYC Building Code as "An enclosed or unenclosed structure on or above the roof of any part of a building".

However, enlargements utilizing floor area allowances under ZR 54-52(a) or ZR 54-53(a) are subject to the limits of bulk allowances under ZR 54-52(b) or (c), or ZR 54-53(b) or (c), in order to accommodate the proposed enlargement. Where such bulk allowances are utilized, they remain subject to the aggregation limitations of ZR 54-50. Accordingly, the cumulative reduction in the open area or increase in building height resulting from such allowances may not be aggregated, as explained below.

C. Establishment of Baseline Building Condition & Lifetime Limits for ZR 54-52(b), ZR 54-52(c), ZR 54-53(b), ZR 54-53(c)

ZR 54-52 and ZR 54-53 include bulk allowances that permit enlargements resulting in reductions of required open areas under parts (b) and increases in building height under parts (c).

Because ZR 54-50 prohibits the aggregation of such allowances, the total amount of open area reduction or height increase must be evaluated cumulatively for each affected location. The applicable baseline building condition and lifetime limit are established separately for each open area or portion of the building upon the first utilization of the applicable allowance at that location.

D. Clarification on Open Area Terminology in ZR 54-52(b) and ZR 54-53(b)

Note that the language in ZR 54-52 differs from that in ZR 54-53. ZR 54-52 applies to both required (complying) and existing (non-complying) open areas. Because of this, DOB interprets the “no further encroachment” constraint in ZR 54-52 as only applicable when the encroachment is in a non-complying yard.

ZR 54-53(b), by contrast, applies only to existing non-complying open areas to allow reductions; in other words, complying yards are not permitted to be diminished pursuant to ZR 54-53(b).

When both provisions are utilized on the same building, the open area subject to the lifetime aggregation limits of ZR 54-50 shall be evaluated relative to the baseline open area existing at the time of first utilization, consistent with the baseline building condition established under this Bulletin.

E. Baseline Established at First Utilization of Each Location

For purposes of parts (b) and (c), a baseline is established separately for each location affected by an enlargement. The condition of that specific open area or portion of the building immediately before the first utilization of ZR 54-52 or ZR 54-53 at that location becomes the reference point for future analysis under the relevant paragraph, either (b) or (c). Accordingly, different locations of the same building may have different baselines established at different times and under different applications.

F. Legally Required Window Facing a Yard with a Reduced Open Area

The lifetime limits may not exceed the following:

Parts (b) Open Area Reduction

Baseline open area x 20% = total allowable reduction over lifetime

- Baselines are established for a specific location (e.g. an individual yard or court) and are evaluated separately.
- Combined total use of 54-52(b) and 54-53(b) for one location may not exceed total allowable reduction over lifetime.

Parts (c) Height Increases

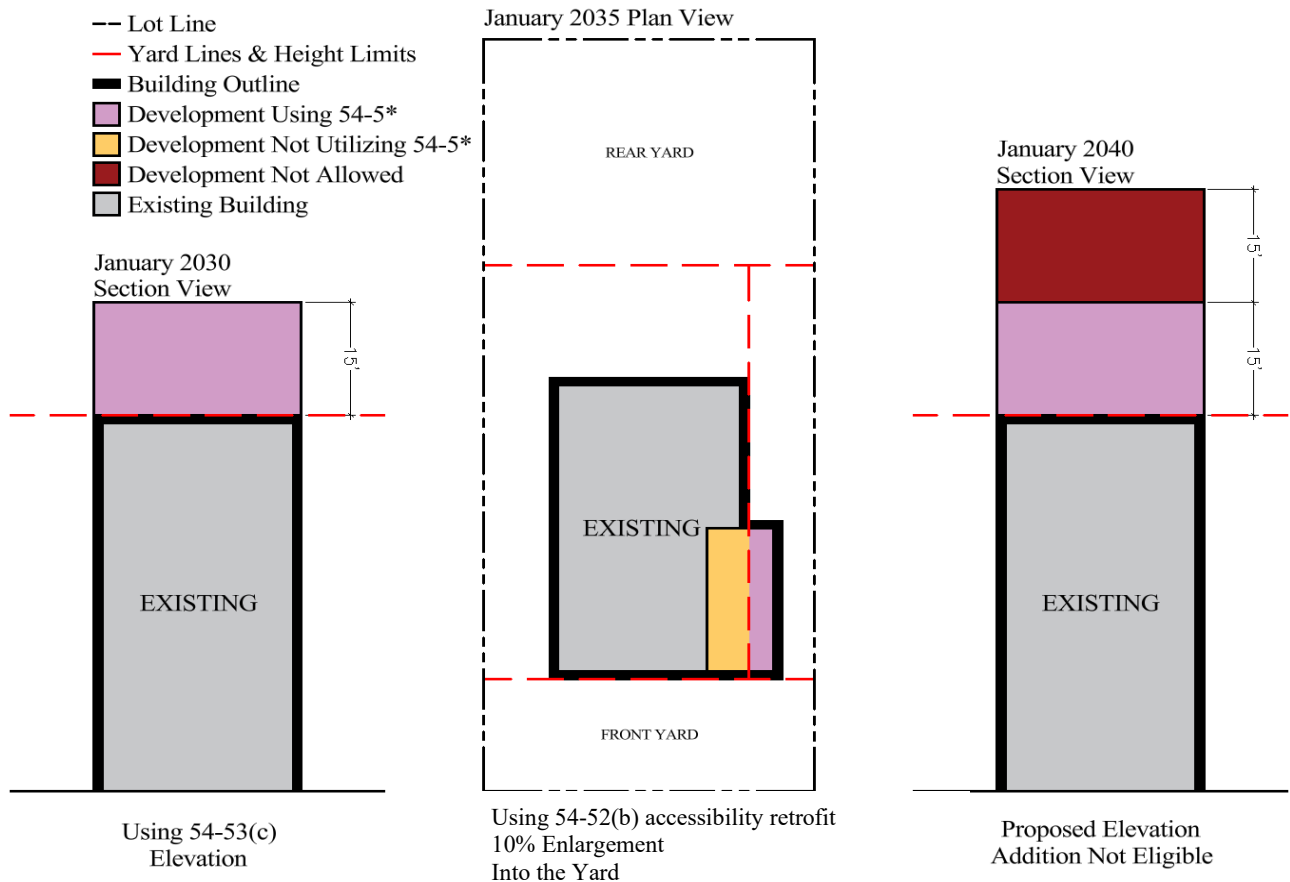
Maximum lifetime increase = 1 story or 15 feet, whichever is less

- Baselines are established for a specific location of the building (e.g. enlargement above an existing lower portion of a building, or above the existing highest portion of a building) and are evaluated separately.
- Combined total use of 54-52(c) and 54-53(c) for one location may not exceed the maximum lifetime increase.

G. Example 1: Combining ZR 54-52(b), ZR 54-52(c) accessibility retrofit & ZR 54-53(c) residential retrofit

A building that complies with zoning for height but has a non-complying side yard proposes in January of 2030, to add 15 feet to the height of the existing building pursuant to ZR 54-53(c). Then in January of 2035, the building is proposed to be enlarged into the side yard pursuant to ZR 54-52(b). Then in January of 2040, the building is again proposed to be enlarged as to height pursuant to ZR 54-52(c).

Analysis: For the 2040 proposal, the analysis will be based on the height of the existing building in the 2030 application, which established the baseline building condition when 54-53(c) was first utilized. Because 15 feet or one story is the lifetime limit which had been established in the 2030 application, and was used in the 2030 enlargement already, the January 2040 application for another 15 feet increase would not be permitted due to the limits of ZR 54-50 with regard to aggregation.



H. Example 2: Combining ZR 54-52(b) accessibility retrofit & ZR 54-53(b) residential retrofit

This example begins with the building from our last example, where in January of 2035 the building was enlarged into the side yard pursuant to ZR 54-52(b) by 10% to add an elevator to improve accessibility. Then in January of 2045, the building is again proposed to be enlarged into the same side yard, this time pursuant to 54-53(b).

Analysis: The total allowable reduction over lifetime, would be established by the baseline of the existing side yard in 2035. The enlargement in January 2035 is deducted from the total allowable reduction. The enlargement allowed in 2045 in this same side yard will be the remaining balance from 2035.

Side Yard Open Area Reduction using ZR 54-52 (b) in January 2035, then ZR 54-53 (b) in January 2045

Baseline open area is the exiting side yard in 2035 before any reduction

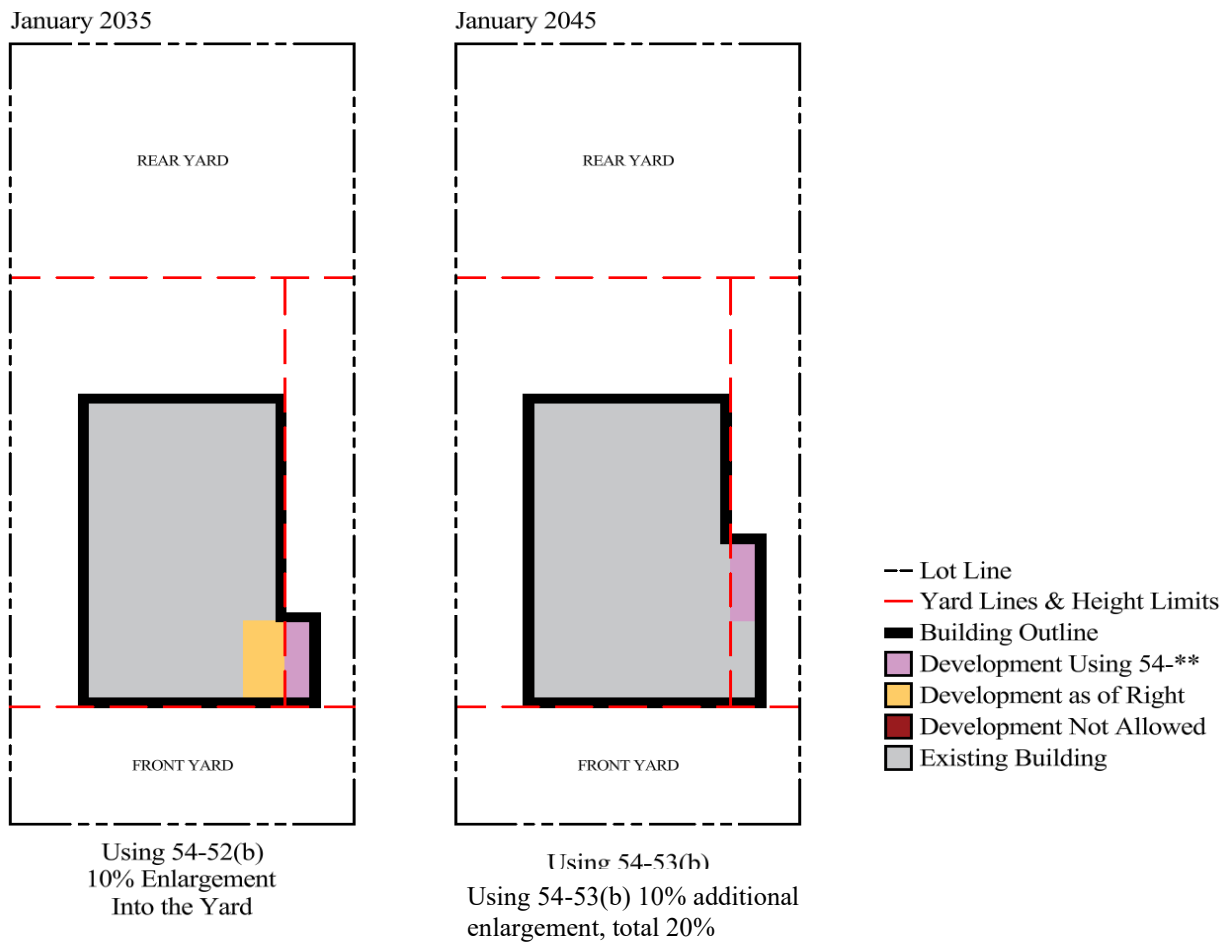
Baseline open area x 20% = total allowable reduction over lifetime

480 SF x 20% = 96 SF

96 SF is the total allowable reduction over lifetime

45 SF is used in January 2035 under ZR 54-52 (b).

Remaining balance for January 2045 enlargement is 51 SF.



V. APPLICATIONS

Applications to enlarge must include the following information on the PW1, ZD1 and zoning data in the submission drawings:

- A. On the PW1 form, the Job Description must include: "New or increased zoning non-compliance utilizing ZR 54-52 (and/or ZR 54-53, as applicable)."
- B. On the ZD1 and zoning data in submission drawings:
 1. Attest to whether the building has previously utilized 54-52 or 54-53.
 2. Document the baseline building condition at first utilization with associated job number, which is established in the current application if utilizing for the first time, or may have been established in a previous application if first utilization occurred in a past application.
 3. Document the lifetime limit, and what is proposed in the current application.
 4. Provide the previous remaining balance of the lifetime limit.
 5. Confirm total reduction or increases do not exceed lifetime limits

Sample table* to be shown on submitted drawing:

	Open Area Reduction (ZR 54-52(b)/ 54-53(b))	Height increase (ZR 54-52(c)/ 54-53(c))
Location evaluated	Identify the specific open area being evaluated (i.e., side yard, rear yard, court) and its location on the zoning lot.	Identify the portion of the building where the height increase is proposed (e.g., main roof, roof setback...).
Baseline building condition	State existing square footage of the open area at the time of first utilization of ZR 54-52(b) or 54-53(b).	State the existing building height at the time of first utilization of ZR 54-52(c) or 54-53(c).
Lifetime limit	Calculate and state the maximum allowable reduction equal to 20% of the baseline open area square footage.	State the maximum allowable increase, which may not exceed one story or 15 feet, measured from the baseline building condition.
Prior Utilization	Document all prior utilizations that result in reduction of the open area under ZR 54-52(b) or 54-53(b), including the associated application numbers if applicable.	Document all prior utilizations that result in increase in building height under ZR 54-52(c) or 54-53(c), including the associated application numbers if applicable.
Remaining balance from prior utilizations	Calculate the remaining allowable open area reduction by subtracting previously utilized reductions from the lifetime limit.	Calculate the remaining allowable height increase by subtracting previously utilized increases from the lifetime limit.
Proposed enlargement in this application	State the amount of open area reduction proposed in the current application.	State the amount of height increase proposed in the current application.
Possible? (Yes/No)	Confirm whether the total reduction (prior utilization + proposed) does not exceed the lifetime limit.	Confirm whether the total height increase (prior utilization + proposed) does not exceed the lifetime limit.

**Multiple tables may be required depending on the scope of work.*

VI. ADDITIONAL EXAMPLES

A. Example 3: Combining ZR 54-53(a), ZR 54-53(b) & ZR 54-53(c) residential retrofits

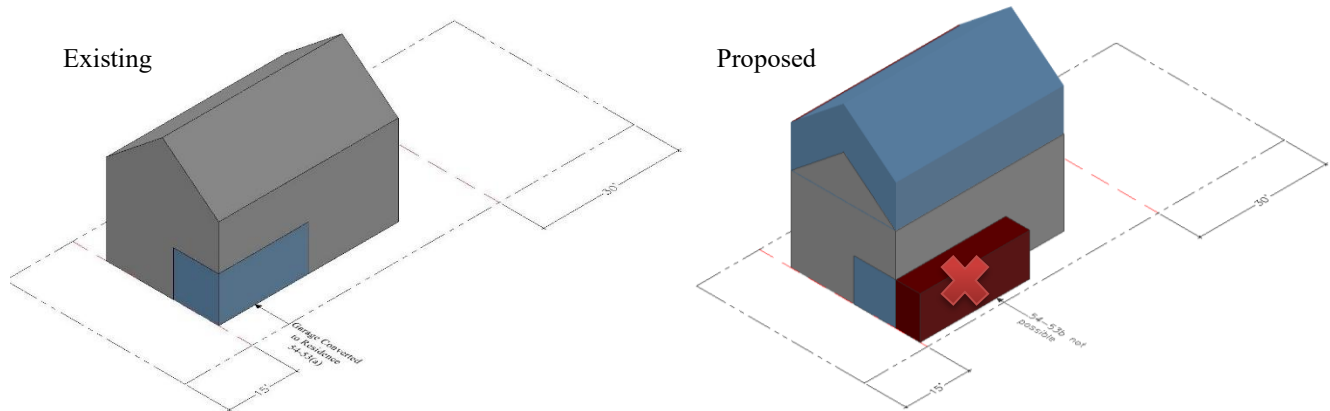
A project proposes to utilize residential retrofitting provisions in ZR 54-53(a), (b) and (c) in the same application. The existing 2-story 2-family home with an attic is proposing to convert the existing ground floor garage into dwelling area, and also enlarge into the existing non-complying side yard. The homeowner would also like to add another story for additional bedrooms.

Analysis: After analyzing the project, the design applicant noted that the existing home had already exhausted the zoning floor area allowed per the district, but section 54-53 (a) allows claiming of the existing floor space

within the volume of the existing building to become new zoning floor area in the existing garage and attic.

However, while section 54-53(b) allows reduction of existing open area in non-complying yards, because floor area had been exhausted for the project, it is unable to enlarge into the existing non-complying side yard.

On the other hand, the attic which was previously used as storage is floor space that can be turned into zoning floor area under section 54-53(a). Therefore, the proposal to add another story of living space using part (c) is possible even though the zoning lot's zoning floor area has been exceeded.



Sample Table to be shown on submitted drawing for above example:

	Open Area Reduction (ZR 54-53(b))	Height increase (ZR 54-53(c))
Location evaluated	Side Yard	Main roof
Baseline building condition	No Zoning Floor Area remaining outside existing building envelope per 54-53(a). Therefore this column is not applicable.	30 feet to the ridge line of the roof, 20 feet to the top of the perimeter wall.
Lifetime limit	N/A	30 feet + one story, or 30 feet + 15 feet = 45 feet whichever is less
Prior utilization	N/A	There was NO increase in building height from prior utilization under ZR 54-52(c) or 54-53(c).
Remaining balance from prior utilizations	N/A	This is the first utilization. There was NO increase in building height prior utilization under ZR 54-52(c) or 54-53(c).
Proposed enlargement in this application	400sf proposed enlargement	One story 12 feet
Possible? (Yes/No)	Not possible	Yes. The proposed total height increase does not exceed the lifetime limit .

B. Example 4: ZR 54-52(a) accessibility retrofit & ZR 54-53(a) residential retrofit can be used together

A five-story multi-family walkup building that has already exhausted all zoning floor area proposes to convert a portion of the existing mechanical room on the ground floor into a second bedroom for an existing one-bedroom apartment that is immediately adjacent on that floor. At the same time, the building also proposes to install an elevator to improve accessibility for residents in an open area that is not a required yard or court.

Analysis: After analyzing the project, the design applicant noted that while the existing building had already exhausted all the zoning floor area allowed per the district, Section 54-53(a) Residential Retrofits allows claiming of the existing floor space within the volume of the existing building to become new zoning floor area. They propose floor space from the existing mechanical room to become zoning floor area in another bedroom for the existing ground floor apartment.

In addition, because adding an elevator improves the accessibility, section 54-52(a) allows 10% of the existing floor area or 1,000 SF, whichever is less, which would be 1,000 SF in this case, for the addition of an elevator in an open area; because ZR 54-52(a) Accessibility or Safety Retrofits are afforded its own square footage allowance, even though floor area had been exhausted for the existing building, it is still able to enlarge into the existing open area.